

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUNTAIR, INC.)	
)	
)	
Plaintiff,)	Case No. 07 C 6890
)	
vs.)	Hon. Judge David H. Coar
)	
CLIMATECRAFT, INC.)	Magistrate Judge Morton Denlow
)	
Defendant.)	

**AGREED MOTION OF PLAINTIFF HUNTAIR, INC. FOR LEAVE TO FILE AN
OVERSIZED RESPONSIVE CLAIM CONSTRUCTION BRIEF**

Plaintiff Huntair, Inc. ("Huntair"), by its attorneys, respectfully requests this Court grant Huntair leave to file an oversized responsive claim construction brief of twenty-three (23) pages. In support of its motion, Huntair states the following:

1. ClimateCraft filed a 29-page opening claim construction brief – nearly double the 15-page limit set forth by Local Rule 7.1.
2. Huntair cannot respond completely to the assertions in ClimateCraft's 29-page brief without filing an oversized brief of its own.
3. Judicial economy is served by allowing Huntair to respond completely to ClimateCraft's assertions which involve technical aspects of the fan wall technology. Huntair's responsive brief is as concise as possible in view of the issues presented. At 23 pages, Huntair's responsive brief is still six pages less than ClimateCraft's oversized opening brief.
4. Huntair believes that a full explanation of the bases for its positions will best serve the Court in evaluating the issues. ClimateCraft's opening brief addresses indefiniteness,

enablement and patent validity, and Huntair requires an opportunity to respond completely to each of the issues in ClimateCraft's oversized brief.

5. On July 15, 2008, Richard T. McCaulley Jr., attorney for of Huntair, spoke with Charles C. Kinne, attorney for ClimateCraft, to advise him that Huntair intended to seek leave to file a response brief of up to twenty-five (25) pages. Mr. Kinne informed Mr. McCaulley that ClimateCraft has no objection to the extension of the page limit.

6. On July 18, 2008, Huntair filed an Agreed Motion for Extension of Time and Leave to File an Oversize Response Brief on Claim Construction. Also, on July 18, 2008, ClimateCraft filed a response to Huntair's agreed motion, which stated that "ClimateCraft does not object to the request Huntair makes . . . for leave to file up to 25 pages of brief." On July 17, this Court denied Huntair's motion for leave to file excess pages, but indicated that "[b]oth parties are instructed to re-file a motion for leave to file excess pages along with their responses. The Court will rule on the motion for leave at that time in light of the briefs presented."

WHEREFORE, for the foregoing reasons, Huntair respectfully requests that this Court enter an order granting it leave to file an oversized responsive claim construction brief, submitted herewith, of twenty-three (23) pages.

Dated: July 21, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July, 2008, I caused a copy of the foregoing document, AGREED MOTION OF PLAINTIFF HUNTAIR, INC. FOR LEAVE TO FILE AN OVERSIZED RESPONSIVE CLAIM CONSTRUCTION BRIEF, to be served by ECF upon:

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